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CERTIFIED PROFESSIONAL GUARDIAN BOARD

In the Matter of the Notice of)
Noncompliance with Application)
Regulation 117 (Insurance) of:)

LINDA L. MIDDLETON,)
CPG No. 10601,)

Respondent.)

AGREEMENT REGARDING
DISCIPLINE FOR NONCOMPLIANCE
WITH APPLICATION REGULATION
117 (INSURANCE)

The parties, Linda L. Middleton, CPG No. 10601, a certified professional guardian, and the Certified Professional Guardian Board (Board) enter into this Agreement Regarding Discipline (Agreement) pursuant to Application Regulation (AR) 117.7 and the Board's Disciplinary Regulations for Certified Professional Guardians. Ms. Middleton failed to file a declaration regarding her compliance with the errors and omissions insurance requirement pursuant to AR 117.5.1, resulting in this noncompliance proceeding before the Board. This Agreement is a resolution of this proceeding and shall become effective after all parties have signed the Agreement.

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2 **I. STATEMENT OF FACTS**

3 **A.** On March 9, 2007, Linda L. Middleton was certified as a professional
4 guardian pursuant to General Rule of Court (GR) 23, and was so certified at all times
5 relevant to this matter.

6 **B.** On or about March 21, 2008, the Board issued a Notice of Noncompliance
7 with Application Regulation 117 and Notice of Right to File Petition for Administrative
8 Hearing (Notice) to Ms. Middleton based on her failure to file a declaration with the
9 Board in compliance with AR 117. On March 24, 2008, Ms. Middleton acknowledged
10 receipt of the Notice sent via certified mail.

11 **C.** On March 19, 2008, Ms. Middleton filed with the Board a Declaration of
12 Required Errors & Omissions Insurance – Regulation 117, declaring that her employer
13 agency, Concerned Citizens, CPGA No. 10600, had obtained the required insurance,
14 and that she met the exemption contained in AR 117.3.

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16 **D.** On April 1, 2008, Linda L. Middleton, CPG No. 10601, and Designated
17 CPG for Concerned Citizens, CPGA No. 10600, filed with the Board a Petition for an
18 Administrative Hearing to Determine Compliance with Regulation 117 (Insurance). The
19 Petition was filed on behalf of Concerned Citizens, CPGA 10600, Linda L. Middleton,
20 CPG No. 10601, and Bonnie K. Hurd, CPG 10534. The Petition indicated that though
21 Concerned Citizens was exempt from the requirement for errors and omissions
22 insurance, the Board of Directors deciding would be prudent, obtained the insurance in
23 November, 2007. The Petition included an apology and acceptance of responsibility for
24 the late filing of the declaration.
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2 **II. VIOLATIONS**

3 Certified professional guardians and certified professional guardian agencies are
4 required to maintain a minimum of \$500,000 of errors and omissions insurance which
5 covers the acts of the guardian or agency unless exempted or waived by the regulation.
6 AR 117.2. By January 31 each year, every guardian and agency shall file with the
7 Board a declaration signed under penalty of perjury on a form approved by the Board
8 stating that the guardian or agency either maintains a policy of errors and omissions
9 insurance, that the guardian or agency is exempt, or has been granted a waiver by the
10 Board. AR 117.5.1. Failure to comply with AR 117 may subject the guardian or agency
11 to disciplinary sanctions. AR 117.7.1. Based on the facts stated above, Ms. Middleton
12 has violated AR 117.5.1.

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14 **III. PRIOR RECORD OF DISCIPLINE**

15 Linda L. Middleton, CPG No. 10601, has no prior record of discipline with the
16 Board.

17 **IV. DISCIPLINARY SANCTIONS IMPOSED BY THE BOARD**

18 The Board recognizes as mitigating factors: that upon receiving the Notice from
19 the Board, Ms. Middleton filed a declaration of exemption from the errors and omissions
20 insurance; that Ms. Middleton meets the requirements for exemption set forth in AR
21 117.3; and that Ms. Middleton provided information regarding her employer agency's
22 errors and omissions insurance even though the agency meets the exemption also.

23 Based on the type of violation in this matter and the mitigating factors set forth
24 above, an appropriate disciplinary sanction is reimbursement of the costs of this
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disciplinary proceeding. Linda L. Middleton is required to reimburse the Board fifty dollars (\$50.00) for the costs of this disciplinary proceeding.

V. VIOLATION OF AGREEMENT

Failure to comply with the terms of this Agreement shall constitute additional grounds for discipline pursuant to DR 514.4. In the event of an alleged breach of this Agreement, the Board shall provide notice to the certified professional guardian of the substance of the breach, and the certified professional guardian shall have 30 days to respond to the allegations of the breach. If the Board finds that the Agreement has been breached, the Board may pursue disciplinary action against the certified professional guardian or agency for violation of the Agreement.

This Agreement is binding as a statement of all known facts relating to the conduct of Linda L. Middleton, CPG No. 10601, but any additional existing acts may be proven in any subsequent disciplinary proceedings.

VI. NOTICE

This Agreement shall be retained by the AOC in the certified professional guardian's disciplinary file. This Agreement shall be open to public access and disclosure. Notice of the discipline imposed shall be sent to all superior courts pursuant to DR 514.3.2.

VII. ENTIRE AGREEMENT

This Agreement comprises the entire agreement of the parties with respect to the matters covered herein, and no other agreement, statement, or promise made by any party which is not included herein shall be binding or valid. This Agreement may be modified or amended only by a written amendment signed by all parties.

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2 **VIII. SEVERABILITY**

3 The provisions of this Agreement are intended to be severable. If any term or
4 provision of this Agreement is illegal or invalid for any reason, the remainder of the
5 Agreement will not be affected.

6 **IX. LAWS GOVERNING**

7 This Agreement shall be governed by the laws of the State of Washington, and
8 any question arising from the Agreement shall be construed or determined according to
9 such law. This Agreement is a public record and is subject to public disclosure or
10 release.

11 **X. RIGHT TO COUNSEL**

12 Ms. Middleton acknowledges that she has the right to individual counsel for
13 representation in this disciplinary matter, at her expense, as set forth in Disciplinary
14 Regulation 509.1.
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2 **XI. PRESENTATION OF AGREEMENT TO THE BOARD**

3 Linda L. Middleton understands that this Agreement is not binding unless and
4 until it is approved and signed by the Board. If the Board rejects this Agreement, Linda
5 L. Middleton waives any objection to the participation in the final determination of this
6 matter of any Board member who heard the Agreement presentation.

7 COPY RECEIVED, NOTICE OF PRESENTATION WAIVED:

8
9 Linda L. Middleton
10 Linda L. Middleton, CPG No. 10601

5-22-08
Date

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13 **APPROVED AND ORDERED BY THE CERTIFIED PROFESSIONAL GUARDIAN
BOARD THIS**

14 19 DAY OF May, 2008.

15
16 Marywene Van Deren
17 Judge Marywene Van Deren
18 Chair, Certified Professional Guardian Board